

STATES OF ALDERNEY

ORDINANCE OF THE STATES

Made14th December, 1954
Coming into force 31st March, 1955

THE LICENSING OF PASSENGER BOATS
(ALDERNEY) ORDINANCE, 1954

THE STATES in pursuance of their Resolution dated the twenty-second day of November, 1950, and the fourteenth day of September, 1954, hereby order:-

- 1.(1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:-

'boat' means a boat propelled by electricity or other mechanical power, by sail, or by oars or paddles, but does not include a vessel in respect of which there is in force a certificate issued by the Minister of Transport under the Merchant Shipping Acts, 1894 to 1950, or the States Supervisor of the Island of Guernsey under the law entitled "Loi relative a la Marine Marchande dans le Bailliage de l'Île de Guernsey" and authorising the carrying of passengers to, and from or between any places in the Island of Alderney; 'Committee' means the Committee of the States for the time being responsible for the administration of the Alderney Harbour;

- (2) Any reference in this Ordinance to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

- 2.(1) A person shall not carry or attempt to carry any passengers in a boat for payment or reward to, from or between any places in the Island of Alderney or hire out or attempt to hire out a boat unless there is in force in respect of that boat a licence (hereinafter referred to as a 'boat licence') issued by the Committee.

- (2) A boat in respect of which a boat licence is in force shall not be used for carrying passengers for payment or reward unless at the time it is so used there is in charge of such boat a person in whose name a boatman's licence is in force.
3. The Committee may from time to time –
- (a) issue boat licences and may attach to the issue of any such licences such conditions as the Committee considers necessary and in particular and without prejudice to the generality of the foregoing may attach –
 - (i) conditions prescribing the limits beyond which a boat in respect of which there is in force a boat licence (hereinafter referred to as a 'licensed boat') shall not carry passengers and the life-saving appliances and equipment to be installed and carried on a licensed boat; and
 - (ii) conditions prescribing the minimum number of crew and the maximum number, not exceeding twelve, of passengers including children but excluding the members of the crew, which a licensed boat may carry;
 - (b) make regulations relating to the safety and protection of passengers carried in a licensed boat; and
 - (c) issue boatman's licences and may attach thereto such conditions as the Committee considers necessary.
4. Licences issued under this Ordinance shall –
- (a) not be transferable.
 - (b) unless an earlier date has been fixed by the Committee in that behalf, expire on the 31st day of March next following the date of issue.
5. Application for licences shall be in writing addressed to the Clerk of the States who shall, before submitting an application to the Committee, obtain thereon a report from the States Harbour Master. The Committee may consult one or more of the Pilots in regard to any matter connected with an application for a licence.
6. Upon the grant of a licence, the following fees shall be paid to the States:-
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| For a boat propelled by mechanical power | £1 |
| For a boat propelled by sail alone | 10/- |

For a boat propelled by oars or paddles alone 5/-
For a boatman's licence 5/-

7. The Committee may by resolution revoke, suspend or vary the conditions attached to any boat licence –
 - (a) where the hull, engine or life-saving appliances and equipment, as the case may be, are damaged, defective or inadequate; or
 - (b) where any person infringes or permits any other person to infringe any condition attached to the issue of that licence; or
 - (c) if the licensed boat is while carrying passengers for payment or reward in charge of a person in whose name a boatman's licence is not in force.
8. The Committee may by resolution revoke, suspend or vary the conditions attached to any boatman's licence
 - (a) if the person to whom such licence has been issued becomes for any reasons unfitted to be in charge of a passenger-carrying boat at sea; or
 - (b) if it appears to the Committee that such person has insufficient knowledge of the waters within which he is licensed to ply a boat carrying passengers; or
 - (c) if such person carries passengers for payment or reward in an unlicensed boat or infringes any conditions attached to a boat licence.
9. A person may appeal to the Court of Alderney against a refusal to issue a licence or against any condition under which a licence has been issued under Section 3 hereof, and against any order of the Committee made under Section 7 and 8 hereof. The Court may, after the Committee has been given a reasonable opportunity of being heard, affirm, reverse or vary the order appealed against in such manner as it thinks just.
10. The Committee or any person duly authorised in writing by the Chairman of the Committee may, at any reasonable time, board and inspect any licensed boat for the purpose of ensuring due compliance with the provisions of this Ordinance or with any regulation made thereunder or any condition attached to the issue of the boat licence.
11. The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as it applies to the interpretation of an enactment in the Island of Guernsey.

12. A person who contravenes any provision of this Ordinance or any regulation of the Committee made thereunder or any condition attached to the issue of a boat licence or of a boatman's licence or obstructs the Committee or other authorised person when boarding and inspecting a licensed boat shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds.
13. This Ordinance shall come into force on the thirty-first March, 1955.